

# Ordinance No. 753-2021

(as a substitute for Ord. No. 536-2021)

By Council Members Conwell, Bishop and Kelley (by departmental request)

**FOR PASSAGE**  
**September 20, 2021**

## **AN EMERGENCY ORDINANCE**

Authorizing the Director of Public Works to apply for and accept a grant from The Cleveland Foundation for the development of the African-American Cultural Gardens; authorizing the Director of Public Works to enter into one or more professional services relating to the improvement; determining the method and authorizing the public improvement; authorizing other contracts; the direct employment of labor; and accepting any gifts or grants.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Public Works is authorized to apply for and accept a grant in an amount up to \$325,000, and any other funds that may become available during the grant term from The Cleveland Foundation for the development of the African-American Cultural Gardens; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the grant award notification for the grant contained in the file described below.

Section 2. That the grant award notification for the grant, **File No. 753-2021-A**, made a part of this ordinance as if fully rewritten, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That, the Director of Public Works is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to provide donor engagement, marketing, promotional, public relations, and creative services necessary for the funding of additional improvements to the African American Cultural Garden.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Works from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Works for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The

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contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Works, and certified by the Director of Finance.

Section 4. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of further developing the African-American Cultural Gardens, which may include installing landscaping, concrete, pavers, handrails and other amenities (the “Improvement”), for the Department of Public Works, by one or more contracts duly let to the lowest responsible bidder after competitive bidding for a gross price for the Improvement.

That the Director of Public Works is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 5. That, the Director of Public Works is authorized to employ by contract or contracts one or more architects, landscape architects, or engineers or one or more firms of architects, landscape architects, or engineers for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Works from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Works for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Works, and certified by the Director of Finance.

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Section 6. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the Improvement described in this ordinance, including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized otherwise in this ordinance by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of such improvements which supplies and materials are not covered by the contract or contracts authorized otherwise in this ordinance, with a separate accounting for each improvement made.

Section 7. That the Director of Public Works is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 8. That the Director of Public Works is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a period not to exceed one year, for the necessary items of materials, equipment, supplies, and services necessary to implement the Improvement, including labor, if needed, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Works. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 9. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 10. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Works may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the

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vendors selected through that cooperative process.

Section 11. That the Director of Public Works is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity; and that the Director is authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

Section 12. That the Director of Public Works is authorized to enter into one or more contracts with or make payments to any agencies, entities, or individuals to implement this ordinance.

Section 13. That the cost of this ordinance shall be paid from the fund or fund to which are credited the proceeds of the grant accepted in this ordinance or any gifts or grants received for the purposes of this ordinance. (RQS 7001, RLA 2021-51).

Section 14. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

SM:nl  
9-20-2021  
FOR: Director Cox

**Ord. No. 753-2021**

[File No. 753-2021-A]

**REPORT  
after Second Reading**

*(as a substitute for Ord. No. 536-2021)*

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(by departmental request)**

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**READ FIRST, SECOND AND THIRD TIME**

READ FIRST TIME

REPORTS

referred to

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CITY CLERK

APPROVED BY  
CITY PLANNING COMMISSION

READ SECOND TIME

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
CITY CLERK

**READ THIRD TIME on SEPTEMBER 20, 2021**

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CITY CLERK

APPROVED

\_\_\_\_\_  
MAYOR